

Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #1
September 23, 2004, 7 – 9 p.m.
Fairfax County Government Center
Conference Rooms 2-3

Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Chris Champagne	Mary Beth Coya	Rev. Tim Craig
Kimberly Davis	Jessica Fleming	Harry Glasgow
Robert Jordan	Robert McLaren	Sally Ormsby
Greg Prelewicz	Lewis Rauch	Michael Rolband
Jeanette Stewart	Mark Trostle	Russell Wanek

Consultants:

Elizabeth Treadway
Doug Moseley
Maureen Hartigan

County Staff:

Jimmie Jenkins
Carl Bouchard
Fred Rose
Vishnu Seri

Paul Shirey
Krystal Kearns
Scott St. Clair

Special Guests:

Penny Gross, Mason District Supervisor

Meeting Agenda

1. Welcome and Introductions
2. Review of Agenda
3. Role and Mission of the Committee
4. Overview of the "Watershed Community Needs and Funding Options Study" Project
5. Challenges of Managing Stormwater in Fairfax County

Welcome and Introductions

Supervisor Gross opened the meeting with a welcome message for the committee members, noting the timeliness and importance of the County's review of stormwater management programming and the alternatives available to fund it. Mr. Jenkins reiterated Supervisor Gross' sentiments and thanked the members of the committee for their service. After each of the committee members introduced themselves, Mr. Bouchard introduced the County staff associated with the project as well as the members of the County's consulting team from AMEC Earth & Environmental that will be working with the committee on this project. Mr. Bouchard asked each of the committee members to offer their thoughts to the group on their perspective and their expectations for the project.

Review of Agenda

Ms. Treadway offered a brief overview of the meeting's agenda. She noted that before this meeting concluded, the committee would have the opportunity to schedule future meetings, review the statement included in the handout material on mission and review the process for committee work. She noted that the County and the consulting team would do everything possible to keep each committee meeting to two hours. The meetings will only continue beyond two hours with the consent of the committee members.

Role and Mission of the Committee

Mr. Moseley led a brief review of the mission of the committee. He noted that this advisory committee's role is to:

- Provide advice and input into identifying the problems, needs and issues within the current stormwater program;
- Assist in establishing priorities for stormwater services in Fairfax County;
- Provide advice on level and extent of stormwater service, investment in the capital program, approach to water quality protection services, and other key policies that will guide the stormwater program;
- Review policy on stormwater funding mechanisms, including user fees, and explore rate methodologies, rate structures and rate bases; and
- Make recommendations to the Board of Supervisors regarding the dedicated funding needed to address stormwater needs in the community.

He noted that the Committee's recommendations would address a program that can meet community needs and expectations, including how to fund it, but that the Fairfax County Board of Supervisors will make the ultimate decision on how to proceed. Mr. Moseley covered a series of basic meeting ground rules with the committee members. The ground rules are designed to help the work flow of the meetings and to allow for full and active participation by each committee member. Mr. Moseley asked if the Committee members had any additions or modifications they wanted to make to the list of Ground Rules. None were offered.

Mr. Moseley requested that the Committee establish a schedule for the five remaining meetings. After a brief discussion, the Committee decided that the second Tuesday of the month would be the best meeting day and that evening meetings were preferable to other meeting times. In addition, the committee decided that the Government Center was as convenient a meeting location as any. Based on this input, the committee's next meeting will be Tuesday, October 12, 2004 at 7 P.M. in the Fairfax County Pennino Building (opposite the Fairfax County Government Center). Future meeting dates were set for November 9, 2004; December 14, 2004; January 11, 2005; and February 8, 2005.

Mr. Moseley concluded the agenda item with a brief discussion of the process for committee work. The County and the consultant will develop draft policy discussion papers for the committee's consideration and distribute the draft papers to the committee one week prior to each meeting. The policy issue will then be addressed at the next



committee meeting where the committee will provide input, feedback, raise questions, and discuss the issues. With the feedback from each discussion, the County and the consultant will then revise the policy discussion paper and build a policy statement from the discussion. The policy statement will then be reviewed at the following committee meeting, which should lead to general agreement on the statement by the members. Committee members asked what was meant by the term “agreement” on policy statements. Mr. Moseley noted that it was not necessary to gain 100 percent consensus on each policy, but rather to gain informed consent, or a general agreement that the policy statement accurately reflects the thoughts of the committee.

Overview of the “Watershed Community Needs and Funding Options Study” Project

Mr. Bouchard opened the overview with a brief discussion of stormwater management in Fairfax County and a review of the County’s various stormwater-related initiatives dating back to the 1970’s. He noted the County’s recent stormwater strategic planning effort, which expressed, among other needs and ideas, the concept that service levels for stormwater programs should be based on actual needs and those service levels should be supported by adequate and stable funding. That finding, in part, contributed to the County undertaking this needs assessment project.

Ms. Treadway covered some of the history and findings from the first phase of this project. In the first phase, the County and the consultant clarified some of the County’s stormwater management challenges and identified some potential funding strategies for stormwater service. Ms. Treadway reviewed some of the first phase findings, noting current services provided by the County, outlining the physical system the County has the responsibility to manage, and outlining some of the County’s management challenges. Those findings were incorporated into a phase I final report, which was presented to the Board of Supervisors on July 16, 2004. The first phase of the report is available on the Internet at <<http://www.fairfaxcounty.gov/dpwes/stormwater>>.

One recommendation made to the Board was the creation of this advisory committee and the County staff was authorized to proceed with the second phase of the project, centering on finalizing program recommendations based on public input, completion of the cost analysis and funding options analysis, and reporting the study’s findings back to the Board in February 2005.

Challenges of Managing Stormwater in Fairfax County

To follow up on the points raised in the final report for phase I of the project, Mr. Rose presented a comprehensive overview of the challenges that the County currently faces in addressing its stormwater management concerns. Mr. Rose focused on the physical system itself, noted the regulatory mandates for water quality the County faces, and also noted the County’s recent flooding, stream stabilization, and stream scour and erosion concerns. He highlighted some of the County’s recent stormwater management studies, including the Stream Protection Strategy (SPS) and the recently completed stream physical assessment. He noted that the County has watershed plans underway for several of the County’s subwatersheds.

Participants noted that the number of houses that have suffered flood damage seemed low. They also noted that road flooding may be an issue beyond the County’s ability to influence since any road drainage improvements would fall under the responsibility of



the Virginia Department of Transportation. However, it was also acknowledged that the County has a vast infrastructure to maintain and acknowledged the problems presented by Mr. Rose.

Additional Discussion

Prior to Mr. Rose's presentation, participants provided feedback and recommended clarifications on the "Frequently Asked Questions" paper that was in the background materials distributed to the Committee prior to the meeting. Committee members noted that on the topic of erosion and sediment control, the County may wish to include information on bare ground as a potential source. They also noted that the County may wish to include "the planting of native species" under the section discussing what homeowners can do to improve water quality, noting that turf grass may not have as much water quality benefit as native vegetation. Finally, participants noted that the County may wish to include a broader definition under the section on "what is stormwater runoff?" to include a description of how stormwater moves across the land and ends up in the County's creeks and streams, including a some description of the impact that stormwater best management practices (BMPs) can have on the quality and quantity of stormwater runoff. This feedback will be addressed in an update of the FAQ.

The meeting adjourned at 9:05 PM.

Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on October 12, 2004 at 7 P.M. in the Fairfax County Pennino Building.



Stormwater Needs Assessment Project

Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #2
October 12, 2004, 7 – 9 p.m.
Fairfax County Pennino Building
Room 206 A and B

Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Kimberly Davis	Jessica Fleming	Harry Glasgow
Robert Jordan	Robert McLaren	Sally Ormsby
Greg Prelewicz	Michael Rolband	Mark Trostle
Mary Beth Hoya		

Consultants:

Elizabeth Treadway
Doug Moseley
Curt Ostrodka

County Staff:

Jimmie Jenkins	Paul Shirey
Carl Bouchard	Krystal Kearns
Fred Rose	Scott St. Clair
Vishnu Seri	Laura Grape
Debra Bianchi	Michelle Brickner

Meeting Agenda

1. Welcome and Introductions
2. Review of Agenda
3. Stormwater Program Services in Fairfax County
4. Level of Service Discussion

Welcome and Introductions

Carl Bouchard, Director of the Stormwater Planning Division, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service. He reintroduced each committee member to the group, as well as the County's consulting team.

Review of Agenda

Mr. Moseley offered a brief overview of the meeting's agenda. He asked the committee if they had comments on the previous meeting's minutes. No comments on the minutes were offered. The committee then posed a question to the County about its mission, noting that perhaps the meetings should focus primarily on "how to sell" the stormwater



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utility fee to the Board of Supervisors. Mr. Bouchard noted that the purpose of the committee is to test the conclusions reached in the first phase of the project, and that a stormwater utility is not presupposed. The committee must review all of the available funding options, as well as determine the appropriate level of service based upon the expectations of the citizens. The committee did note that not every participant is a stormwater expert, and it is therefore necessary to proceed accordingly.

Stormwater Services in Fairfax County

Mr. Bouchard reviewed the services that the Stormwater Planning Division (SPD) provides to the citizens of Fairfax County. SPD's main program areas include:

- Capital Improvement Projects
- Stormwater Management
- Watershed Assessment and Monitoring
- Emergency Preparedness
- Public Outreach and Involvement
- Development Plan Review and Support

The SPD must also comply with state and federal mandates and regulations, many of which are unfunded. These mandates and regulations include:

- Municipal Separate Storm Sewer System (MS-4) Permit
- Virginia Tributaries Strategy
- Total Maximum Daily Loads (TMDLs)
- Chesapeake Bay 2000 Agreement

Mr. Bouchard noted that although SPD is providing many valuable services to Fairfax County, the division is unable to meet current community needs, capital improvement requirements and requests for assistance. For example, SPD is currently only implementing projects under categories 1 and 2 (usually emergency projects such as house flooding) of the Board of Supervisor's seven Priority Project categories. In addition, SPD recognizes that adequate resources for Watershed Management Plan implementation, which will protect and restore the County's streams, as well as comply with state and federal regulations are lacking. Finally, SPD is unable to provide an improved response time to its customer base.

Scott St. Clair, Director of the Maintenance and Stormwater Management Division (MSMD), reviewed the services that MSMD provides to Fairfax County. The MSMD is responsible for the following programs:

- **Storm Drainage**
- Snow Removal at County Government Facilities
- Emergency Response (Fire & Rescue)
- **PL566 (State Regulated) Dams**
- Commuter Rail and Park-n-Ride Parking Lots
- **Stormwater Management**
- Street Name Signs
- Walkways and Trails
- Bus Shelters
- Fairfax County Road Maintenance and Improvement Program



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Mr. St. Clair continued the discussion by reviewing the County's physical inventory of storm drainage and stormwater management infrastructure. The County's inventory as presently captured is as follows:

		Fairfax County	VDOT	Property Owner
	Pipes	1,400 miles	1,000 miles	200 miles
Conveyance and Collection System	Inlets & Catch Basins	37,000	40,000	8,000
	Improved Channels	25 miles	20 miles	10 miles
	Natural Streams	800 miles	5 miles	400 miles
Stormwater Management Facilities	Onsite Facilities	1,100 facilities	75 facilities	2,200 facilities
	Regional Facilities	45 facilities	4 facilities	15 facilities

Mr. St. Clair noted that MSMD developed a work order prioritization in 2001 to address citizen requests for assistance. **Priority 1** work orders refer to a *Failed-Emergency* condition, such as a house flooding, structural endangerment, or roadway flooding that is a high risk to citizen safety. **Priority 2** work orders refer to a *Failed – Critical and Non-Emergency* condition, such as an obstructed inlet or channel. **Priority 3** work orders refer to a *Poor* condition, such as a highly eroded stream channel or a cracked headwall. Mr. St. Clair noted that the average time needed to complete a Priority 1 work order has increased from 28.9 days in 2002 to 41.9 days in 2004. It was noted that response time for all three priority repairs is increasing.

Mr. St. Clair stated that MSMD's maintenance work is limited to the repair and correction of existing facilities. Based on available resources, the division limits its maintenance-related activity to three to five crew days. If a maintenance request exceeds five crew days in effort, the site is stabilized/addressed to the extent possible in the time period and the work order is referred to either Capital Projects (for things like emergency house flooding) or to the Replacement Program, which is currently unfunded.

The group then discussed the services and responsibilities of the MSMD. If stormwater runoff leaves a VDOT right-of-way, then MSMD is responsible to provide service. It was noted that VDOT is not required to meet the performance standards set in the Fairfax County Public Facilities Manual (PFM). Mr. St. Clair stated that regular inspections of VDOT ponds can prevent early failures. He noted that MSMD has one inspector for every 60-70 sites.

The County can only perform maintenance on properties that have existing County easements. The committee inquired as to the division's current budget to perform all of the noted maintenance activities. Mr. St. Clair noted that as the demand for service has increased over the past five years, the amount of funding in the division's budget for



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maintenance activities has decreased. Mr. St. Clair estimated that one full year of maintenance work has been lost due to funding cuts over the last five years. As part of MSMD's maintenance service, the division does examine its pipe and conveyance system. However, MSMD's examination only includes a visual check with mirrors and flashlights to detect obvious pipe obstructions. Mr. St. Clair stated that MSMD does not have an infrastructure replacement program or schedule at this time. He noted that a targeted inspection program to perform infrastructure assessments would help the County understand which pipes are failing; many of the pipes are near or past their 45-50 year anticipated life. Mr. St. Clair stated that a consultant team is currently digitizing pipe locations to create an inventory in a limited manner.

Level and Extent of Service Discussion

Ms. Treadway asked the committee members to think about how they would answer three basic questions related to the level and extent of stormwater service:

1. What is the geographic responsibility of Fairfax County?
2. What components of the physical system should the County be responsible for?
3. What is the desired level of service?

The committee noted that level of service is already defined by the PFM and other building standards, but that most of the existing conveyance pipes are built to older standards, and as such, maintaining them to their existing level will only perpetuate problems downstream.

Committee members discussed whether the County should consider taking over responsibility for the entire physical stormwater drainage system, including private facilities. Such a shift in County responsibility could be accomplished either through a "top down" policy whereby the County would provide all maintenance unless otherwise requested by the property owner, who would then be responsible for BMP maintenance, or by simply offering maintenance at the property owner's request if the owner agrees to bring the BMP/structure up to its designed operating standard. Private owners that maintained their own BMPs could be given an appropriate credit on a utility fee if they agree to adequately maintain their facilities and such conditions are routinely inspected. The committee noted that the service fee must be equitable and that the County must provide services that the community will be able to recognize and value, in order to charge the fee.

The committee discussed the need for equity in determining and implementing a stormwater utility fee. Several committee members noted that the County should maintain all property, including private facilities, in order for the utility fee to be effective and to enforce a consistent standard. County staff stated that over half of all private facilities require major rehabilitation; private facilities do not have performance standards, and are only penalized if there is a health hazard.

On-site and off-site services were discussed, and the committee noted that owners with on-site stormwater facilities should receive credits against a stormwater utility fee, perhaps depending on the type of on-site facility present. For example, a private wet pond may provide a higher level of stormwater control (quantity and/or quality) than a



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private dry pond; therefore, the wet pond owner should receive higher level of credit against its utility liability. Ms. Treadway stated that the rate structure and credit system will be fine tuned to reflect the needs of a large and diverse community.

The committee asked for examples of successful stormwater utility fees that employed the use of credits. Ms. Treadway agreed to provide examples.

The committee discussed whether the industry building standards should be updated, and whether facility replacements should be based on current standards. General agreement was achieved that a feedback loop should be incorporated to keep maintenance and design standards current. As development has changed watershed hydrology throughout the County, the committee asked if an adequate SWMM model has been developed to describe stormwater flow for the entire physical system. County staff noted that the modeling results from the Watershed Management Plans, currently underway, will not provide flow data for individual pipes, but will describe smaller 100-acre sub watersheds.

Other suggestions forwarded by the committee for stormwater services included the promotion of the use of Low Impact Development (LID), daylighting, and stormwater pond retrofitting, including detaining and treating stormwater on-site whenever possible.

Ms. Treadway then asked the committee how Fairfax County should meet and comply with state and federal regulatory mandates. The committee noted the need to embrace the Board of Supervisor's agenda to protect and restore streams, noting that the streams will only get worse. County staff suggested that the Stream Protection Strategy results could be used as a measuring stick, and stated that SPD is developing a new streams index metric that describes stream quality.

In response to committee questions about the County's Total Maximum Daily Loads (TMDL) and impaired streams, County staff indicated that the Virginia Department of Environmental Quality (DEQ) has the right to impose regulatory conditions of Fairfax County to correct water impairments. It is then Fairfax County's responsibility to implement the plan to improve water quality above minimum standards. County staff noted that the County is in violation for excess bacteria in water, but it is produced largely by wildlife, not humans. The committee asked for a fact sheet that describes all voluntary and regulatory requirements for Fairfax County. Ms. Treadway agreed to provide the committee with this information.

County staff noted that the Board of Supervisors would not necessarily like to see an increase in County staff size. However, the implementation of a stormwater utility fee will likely require at least some additional staffing. Ms. Treadway noted that the County can outsource services where is it appropriate, but it is unrealistic to expect no increases in staff size with a change in the level and extent of service for stormwater.

The meeting adjourned at 9:05 PM.



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Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on November 9, 2004 at 7 P.M. in the Fairfax County Government Building.



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Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #3
November 9, 2004, 7 – 9 p.m.
Fairfax County Government Center
Rooms 4 and 5

Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Kimberly Davis
Robert Jordan
Greg Prelewicz
Omar Kader

Jessica Fleming
Robert McLaren
Michael Rolband
Jeanette Stewart

Lewis Rauch
Sally Ormsby
Christopher Champagne
Larry Butler

Consultants:

Jean Haggerty
Doug Moseley
Curt Ostrodka

County Staff:

Jimmie Jenkins
Marlae Schnare
Fred Rose
Danielle Derwin
Debra Bianchi

Paul Shirey
Krystal Kearns
Scott St. Clair
Tanya Amrhein

Meeting Agenda

1. Welcome and Introductions
2. Review of Agenda
3. Level and Extent of Service
4. Program Priorities

Welcome and Introductions

Jimmie Jenkins, Director of the Department of Public Works and Environmental Services, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service.

Review of Agenda

Mr. Moseley offered a brief overview of the meeting's agenda and asked the committee for any comments on the previous meeting's minutes. He clarified a question about the list of responsibilities of the Maintenance and Stormwater Management Division (MSMD) by noting that this is the list that was shown on a slide in the previous presentation by Mr. St. Clair at the previous meeting. Mr. Moseley also noted that Wetlands Permitting section in the *Background on County Water Resource Mandates* paper would be revised



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and recirculated to the committee with some clarifications provided by one of the committee members.

In reviewing the evening's agenda, Mr. Moseley emphasized to the committee that their primary purpose is to develop a **policy statement** on the level and extent of stormwater service that will be presented to the Board of Supervisors. That leads to a discussion on the County's stormwater service program priorities for stormwater service, which is the second major item on the agenda.

Level and Extent of Service

Ms. Haggerty provided an overview of the *Level and Extent of Service* draft policy statement. The committee discussed the issue of operations and maintenance of various components of the drainage infrastructure and identified the disparities between the levels of service provided by the County and by the Virginia Department of Transportation (VDOT) as a concern. The committee noted that VDOT primarily uses dry ponds for stormwater management, which provide few water quality benefits. Many of the ponds capture small drainage basins and are required to have a minimum 3" orifice, which, based on impoundment size, does not detain water long enough to allow infiltration. The committee agreed that when the County and VDOT build roads jointly, they should be built to the County's stormwater management standards. The committee noted the optimal option of reaching an agreement with VDOT to use County standards for all future roads built by VDOT, but also noted that VDOT cannot bend to a myriad of different standards throughout the state, so it is therefore important to carefully select those issues where partnerships may be possible. Furthermore, they stated that VDOT should be encouraged to use Low Impact Development (LID) practices, or to retrofit existing facilities to improve and enhance the current level of stormwater service. The group supported an idea to contribute Fairfax County funds to VDOT projects when those projects meet County standards.

The committee stated that the policy statement should include more proactive language in regards to the use of LID. They suggested that the County "should include LID where possible."

The committee discussed the ongoing County effort to develop a "Stream Quality Index" metric to measure the progress on improving water quality and stream health. The index will provide a baseline and set goals for improvement. The committee supported the use of the index, and stated that the utility fee should be used to keep the index up to date.

The committee agreed that private owners should retain the option to perform maintenance on private stormwater facilities. The committee then discussed ideas of the best way to ensure proper operation and maintenance of the County's stormwater management infrastructure and BMPs. The group agreed that if a private owner maintains a stormwater maintenance facility, then that owner should receive a credit that would be applied toward a utility fee. The group noted that some facility owners may be willing to maintain a private facility, but may lack the resources to do so while others may simply wish to have the County provide maintenance services. The group agreed that private ponds will require County inspection to determine their functional status, and that it is important to develop a consistent standard for inspections. If a private facility is



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inspected by the County and determined to be non-functional, the owner will not receive a credit against a stormwater service fee. Facility owners who want the County to provide maintenance services will need to provide the County an access easement to the facility.

The committee noted that the County currently has difficulty maintaining the 1,100 public facilities for which it is currently responsible. If the County were to assume maintenance responsibility for all facilities, be they public or private that would add another 2,200 private facilities to the County's active service responsibilities. At present, "public" ponds include residential dry ponds, Homeowner Association dry ponds (if the County has an easement), and regional ponds only. Private ponds are residential wet ponds and all other ponds, including commercial and industrial stormwater ponds. The group agreed that a more moderate, "phased-in" approach would be the best way to provide maintenance for all facilities in the County. They noted that the County would face cost and liability issues if it provided maintenance to private facilities; the pros and cons of such a policy should be included in the policy statement.

The group noted that requirements for public easements on private facilities might deter private owners from allowing the County to perform maintenance. They suggested a survey of a representative sample of private facility owners to determine needs and expectations. They noted that maintenance standards vary for public and private facilities. Credits under a user-fee strategy will be provided only if proper maintenance is performed. It was suggested that all new private facilities be required to provide public easements.

The committee suggested that maintenance agreements be amended to account for water quality. The committee agreed that a goal for the policy statement should be to have all facilities functioning properly and requested more information on potential credits to be granted to large commercial properties under a user-fee funding strategy.

Ms. Haggerty noted that utility credit systems are generally based on the resources that the County saves by not having to provide service. Credits are also generally based upon the function of the facility generating the credit (i.e. BMPs that improve water quality may be eligible for more credits than facilities that do not provide similar benefits). Mr. Moseley stated that the committee will have the opportunity to explore a potential credit structure and the fiscal impact of providing credits at a future meeting during discussion of funding options.

The committee noted that countywide maintenance of private ponds should be phased in over time and that the facilities posing the greatest risk should be addressed first. Mr. Jenkins suggested that the program should include an ordinance that states all private ponds must be functioning correctly. He also suggested that private owners who want to maintain their facility should have maintenance standards specifically written into the ordinance. Mr. Moseley noted that many private ponds provide multiple services, such as landscaping/aesthetic qualities and recreation (stocked for fish, etc.), and as such, the County will need to define the functions designated for County service.

The committee asked for clarification on the correct flow rate and frequency of storm that the Public Facility Manual requires for the County to provide maintenance service at



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residential properties. AMEC agreed to clarify this question. The committee agreed that lot sizes are highly variable, and that lots are not an appropriate metric for determining if the County should provide maintenance service.

The committee also discussed methods for disseminating information to the public on the programs necessary to make improvements to system performance, stream health and public safety. They noted that while some residents are aware that several County streams are unhealthy and need restoration, the majority of residents do not know what stormwater management is and why it is important. Mr. Moseley stated that the program will include a tremendous public outreach campaign to both determine, as well as manage, citizen expectations, noting what is achievable and a timeframe for those achievements.

Program Priorities

Mr. Moseley provided an overview of the *Stormwater Program* discussion paper and asked the committee to discuss the stormwater priorities in Fairfax County. The group agreed that public outreach is critically important. As discussed previously, not all residents of the County realize that stormwater runoff is a problem. Many residents still may only view stormwater as a quantity issue, wanting to convey stormwater off their property as quickly as possible.

The group agreed that the first priority should be to secure a dedicated funding source for stormwater management. They discussed amending the development review process criteria that affect the program priorities, such as providing a way to integrate LID into new developments. Committee members noted that there is much community interest in LID, and that the County should investigate alternatives under the user-fee funding option that may provide for a stormwater fee credit for homeowners with LID facilities. Mr. Jenkins stated that the Board of Supervisors will make the final policy decision on the use of LID.

The committee also discussed how to frame the County's stormwater management goals utilizing a dateline rather than simply noting a timeline horizon. The committee noted that if the County set priorities over the coming decades, using the years 2010 and 2020 as benchmarks to measure improvements, those time representations (in actual years rather than just saying in the next 20 years...) seem more realistic and measurable, especially in terms of capital project implementation and backlog reduction. They agreed that they should target "low hanging fruit" to demonstrate early successes, as well as select projects that will provide the highest benefits at the lowest costs. The committee agreed that the protection of public health and safety is an overarching goal of the program.

The committee discussed the watershed plans and if they should be implemented before addressing the capital backlog and the rehabilitation of existing facilities. Mr. Shirey noted that the watershed plans are included the capital backlog estimate presented to the Committee. The committee noted that the watershed plans have many non-structural aspects, such as regulatory compliance and public education. Mr. Jenkins stated that the County will prioritize the proposed project actions in the watershed plans but that not all of them may be implemented.



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The committee then revisited the discussion of how the County should work with private facility owners who are willing to provide maintenance but lack the resources to do so. Among the suggestions provided was the establishment of a low-interest, revolving loan fund. While the committee agreed that case-by-case negotiations may be necessary to meet minimum public health and safety standards, they also recognized that even case-by-case negotiation will require the establishment of baseline standards so as to avoid any inequitable application of programming.

Mr. Jenkins stated that the Board of Supervisors will likely request a preliminary magnitude of costs if the County is to take over maintenance of all private facilities. Mr. Moseley noted that should the County choose to fund the stormwater program through a user-fee, the utility fee structure is flexible and can change over time to reflect the program priorities as they evolve. Ms. Haggerty stated that the initial program must be developed before policy for a user-fee can be developed such as the rate structure. Mr. Moseley also reiterated that one of the purposes of this Stormwater Advisory Committee is to test the initial conclusions of the July 2004 Community Needs Assessment and Funding Options study.

The meeting adjourned at 9:05 PM.

Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on December 14, 2004 at 7 P.M. in the Fairfax County Herrity Building.



Stormwater Needs Assessment Project

Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #4
December 14, 2004, 7 – 9 p.m.
Fairfax County Herrity Building

Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Larry Butler	Jessica Fleming	Jeanette Stewart
Robert Jordan	Christopher Champagne	Sally Ormsby
Greg Prelewicz	Michael Rolband	Mark Trostle
Harry Glasgow	Mary Beth Coya	

Consultants:

Elizabeth Treadway
Doug Moseley
Curt Ostrodka

County Staff:

Jimmie Jenkins	Paul Shirey
Carl Bouchard	Scott St. Clair
Fred Rose	Krystal Kearns
Marlae Schnare	Vishnu Seri
Danielle Derwin	Tanya Amrhein
Debra Bianchi	Michelle Brickner

Meeting Agenda

1. Welcome and Introductions
2. Review November 9, 2004 Meeting Minutes
3. Final Policy Statement on Level and Extent of Service
4. Program Initiatives to Address Priorities
5. Funding Options – User Fee and General Revenues
6. Next Steps

Welcome and Introductions

Carl Bouchard, Director of the Stormwater Planning Division, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service. He noted that several Stormwater Advisory Committee members are attending the concurrent Environmental Quality Advisory Council (EQAC) meeting.

Review November 9, 2004 Meeting Minutes

Mr. Moseley offered a brief overview of the meeting's agenda and asked the committee for any comments on the previous meeting's minutes. No comments were offered. He noted that the attendance roster has been corrected.



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Final Policy Statement on Level and Extent of Service

During the discussion regarding service area, level, and extent of stormwater services a clarification was requested regarding whether VDOT is required to comply with the same water quality regulations that are mandatory for Fairfax County. The Committee was advised that while the County must maintain and comply with a Phase I National Pollutant Discharge Elimination system permit, VDOT must comply with the second Phase II permit standards. Communities of 100,000 residents or greater must meet the 19 minimum control measures under Phase I. Phase II requires only six minimum control measures. Mr. Moseley noted that VDOT roads could be maintained to County standards through a cooperative agreement, but it will require consistency between the Public Facilities Manual and VDOT's drainage manual. Mr. Moseley noted that it is unrealistic for the County to take over all maintenance responsibilities from VDOT; however, the County can take advantage of opportunities where appropriate, through negotiations with VDOT.

The Committee then discussed the limits of the service area. Mr. Moseley stated that the service area has not been fully defined yet, but the Committee will determine the "upstream limits" after consideration of the program priorities. This prompted a discussion on the County's current authority over the drainage system. The group noted that regulatory authority is exercised during the development process for all properties under the County legal oversight. On-going oversight is limited to existing impoundments. Homeowner Association ponds are not under County authority unless there is a maintenance agreement with a dedicated easement in place. Mr. St. Clair stated that private facilities are inspected once every five years. The County only has the authority to maintain private facilities if there is an immediate health hazard or danger of flooding. Approximately 350 out of 2,200 private facilities have maintenance agreements; no authority is provided for farm ponds. Additional discussion focused on the current standard of the mandate to dedicate an easement to the County for maintenance. This standard is set at a flow rate of 2 cubic feet per second, using a 10-year design storm event (i.e., at storm that has a one in ten probability of occurring in any given year). The Committee did not recommend any change in this current standard.

One component of the draft Level of Service policy statement is to "embrace the Board of Supervisor's recently adopted environmental principles". Mr. Moseley clarified are these principles are available on Chairman Connelly's webpage:
< http://www.fairfax.va.us/gov/bos/chair/environmental_plan.htm >

Program Initiatives to Address Priorities

The group discussed the proposed upgrade of all stormwater facilities within the next 10 years. Mr. Moseley stated that stormwater facilities should be upgraded to address water quality as well as water quantity and ensure that they perform as designed.

The current recommendation from AMEC is that the Capital Improvement Program "buy down" the backlog of projects over the next 20 to 40 year period. He noted that the CIP implementation strategy is not final, and can be modified.



Stormwater Needs Assessment Project

To increase efficiencies in management of the watershed-based program planning and implementation, it is recommended that the County be divided into four quadrants with a planning team assigned to each. When asked about dividing the watershed planning area into quadrants, he clarified that the quadrants would be drawn where they make hydrologic sense, and would not be evenly divided without respect to topology.

Mr. Moseley asked the group to consider if the proposed program priorities are still valid, if any program elements are missing, and how the programming can be quantified.

A discussion regarding the collection and use of Pro Rata Share funds focused on the manner in which the funds are generated and the current strategy for utilization. It was noted that PRS funds must be used in the same watershed that they are collected. This provides a disadvantage to the older, built-out watersheds in the eastern portion of the County; these watersheds have fewer funds because of less current development, and in some cases, are the areas of highest system concerns. The Committee identified a concern that having a fund (Pro Rata Share) with a \$20 million balance may create an issue regarding whether there is a real need for additional funding and whether the County has the ability to spend money. This was identified as a potential weakness for a case to implement expanded program components and the proposed utility fee.

Mr. Shirey clarified that some PRS funds were allocated under old master planned projects (late 1970s studies) which are now longer appropriate to guide the use of the funds. He anticipated that the Cub Run and Difficult Run Watershed Plans will utilize PRS dollars when they are completed in 2005. He noted that PRS funds can only be used for specific projects, such as regional ponds, stream stabilization, or flood mitigation projects. They are exactions from the development community to address impacts on the stormwater system, to mitigate those impacts and therefore, can be used when projects are defined that will meet the test, such as regional pond projects, which are often opposed by residents. Mr. Rose noted that the County currently spends approximately \$2-3 million each year from PRS funds. It was emphasized that it is difficult to spend the money without an increase in staff to administer the projects. The committee recommended that the County include PRS information in the public education and outreach program. Mr. Moseley observed that although the County has approximately \$20 million in PRS, this is a small fraction of the estimated \$340 - \$800 million identified under the CIP program.

The committee asked how PRS funds are invested. PRS funds are held in an escrow account, and can only be held for 12 years; afterwards, they must be paid back to the developer. Ms. Treadway added that PRS funds cannot be mixed with the County's General Funds. Mr. Jenkins clarified that approximately \$9 million of the current fund balance is allocated for regional ponds. Mr. Shirey added that approximately \$4 million is being used for the development of watershed plans to update all 30.

The Committee indicated that it is important for the County to show immediate tangible results to the public if the utility fee is implemented. Mr. Moseley stated that the intent is to implement highly-visible projects, targeted at "low hanging fruit", to achieve the highest benefit for the lowest cost. The SAC will aid in the public education campaign, and will be assisted by a larger County-wide program.



Stormwater Needs Assessment Project

Mr. Moseley asked if any modifications to the Program Initiatives to address Priorities were needed. The Committee agreed that the first program initiative should be amended to read, "Secure a dedicated and *equitable* funding source for stormwater." They also suggested that one of the program initiatives be amended to read, "Establish baseline standards *to ensure equitable* program application and administration."

Ms. Treadway noted that the County does not have the ability to ensure that like properties are treated in a similar manner due to lack of funding and the reactive nature of the services provided. She stated that though it is possible for the County to take over maintenance for all private facilities, this is a challenging goal, and current conditions must be evaluated first. The Committee agreed that the principle of similar services to like-situated properties should be a long-term goal, and agreed that consistent maintenance standards should be a program priority.

The discussion then shifted to the use of bond financing of capital improvement projects. The group noted that a 1990 stormwater bond was defeated. The Committee acknowledged that bonds for stormwater do not resonate with voters the same way that bonds for schools, parks, and other County services do.

The Committee agreed that a capital infrastructure replacement program should be a program priority. They advocated that infrastructure should be replaced at the end of its useful design life, and upgraded to the most current design standards. Mr. St. Clair affirmed that the County does not have an infrastructure replacement schedule, and only replaces pipes on an emergency basis. The Maintenance staff are currently developing a GIS database that will map the entire system and evaluate the condition and age of pipes. Mr. Jenkins noted that GASB34 requires municipalities to value assets and depreciate them every year; there are no enforcement actions. The group identified that HOAs are required to develop an escrow for facility improvements and the County should follow a similar strategy in management of public facilities. They agreed that budgeting for infrastructure replacement should be a program priority.

The Committee asked if Fairfax County has a comprehensive pollution prevention program. They noted that construction sites are often scrutinized by inspectors, but commercial sites that contribute to stormwater runoff are typically afterthoughts. Mr. Moseley stated that under the County's Municipal Separate Storm Sewer System (MS4) permit, they are required to operate an Illicit Discharge Detection and Elimination (IDDE) program. This includes periodic inspection of outfalls. Mr. Rose stated that the permit requires 100 outfalls to be inspected each year on a rotating basis. The County must also respond to complaints and suspicious activity. Mr. St. Clair estimated that there are between 5,000 and 6,000 outfalls in the County. Ms. Kearns noted that the County does not perform storm drain stenciling; this is typically a Scouting project performed by citizens.

Funding Options – User Fee and General Revenues

Ms. Treadway reviewed the July 1, 2004 *Funding Methods and Revenue Generating Capacity* paper to provide an understanding of the differences between General Funds and a stormwater utility fee. The committee acknowledged that the utility is a separated



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and dedicated fund, meaning that it does not compete with other County services for funding in the General Fund. The utility can also be used to issue revenue bonds, or to pay off bonds sooner. Ms. Treadway noted that General Fund allocations can fluctuate yearly, based upon current priorities.

The Committee inquired as to the organizational structure of a utility. Ms. Treadway stated that the Board of Supervisors (BOS) is not required to establish a separate governing board to oversee the utility. However, an advisory board can be established if desired. Ms. Treadway stated that a utility fee typically is charged based upon impervious surface on a property, rather than by the real estate value of that property. The committee discussed whether or not the utility and the provision of credits would encourage green building, the incorporation of LID and reduction of impervious surfaces, and a greater understanding of the impacts of development on the environment. It was noted that HOAs should receive credits when they maintain their stormwater facilities as required; the Community Associations Institute (CAI) might be able to assist with the implementation of the utility. Ms. Treadway also stated that the BOS can by resolution dedicate part of the tax revenue for stormwater service. Committee members noted, however, this can be rescinded as is only the commitment of the sitting Board that adopts it. They may also abolish the utility if they choose. The utility fee can enable bonded improvements without the vote of the public, enhancing the ability of the County to increase the rate of reinvestment in construction services. Ms. Treadway noted that the General Fund can also pay for bonds, using General Obligation bonds, that must be voted by the public, and must compete with other bond initiatives of the County.

The group agreed that utility funds should be raised uniformly across the County. This will cross subsidize different areas and provide equity. Ms. Treadway noted that the utility does not have to be solely user funded. It can incorporate grants and taxes. It can also evolve into a more specialized system that includes surcharges for specific areas in the watershed.

The Committee identified the following principles that should be followed in making the recommendation to the County Board on how to fund the needed improvements in the stormwater program:

- ◆ Fund the program using a methodology that links the demand for services to the amount paid by any particular property owner.
- ◆ Provide a mechanism that recognizes positive behaviors by the land owner to reduce impacts on flow and pollutant loading.
- ◆ Dedicate the funding to the objectives of the stormwater program where the monies cannot be redirected to other competing priorities.
- ◆ Utilize a funding strategy that encourages greener development.
- ◆ Make the funding mechanism an equitable strategy, bringing all properties into the funding base, not just those paying real estate and other general fund revenues.
- ◆ Apply the funding strategy uniformly across the County.
- ◆ Utilize bond debt to support the capital improvement program.



Stormwater Needs Assessment Project

Next Steps

Ms. Treadway reported that AMEC is continuing to build the cost of service model with consultation from DPWES staff. At the January 11, 2005 meeting, SAC members will be presented the recommended program, cost of service and projected outcomes. The Committee will be asked if the recommendations meet their expectations and represent the discussion and priorities identified over the past months. At the February 2005 meeting, SAC members will craft a summary statement of recommendations and long term goals, to be presented to the BOS on March 14, 2005. Ms. Treadway noted that consensus amongst SAC members is not mandated, and that the final paper will explore different options and differences. AMEC typically follows a process of "informed consent" as defined in Meeting #1 with the Committee.

The meeting adjourned at 9:05 PM.

Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on January 11, 2005 at 7 P.M. in the Fairfax County Government Center.



Stormwater Needs Assessment Project

Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #5
January 11, 2005, 7 – 9 p.m.
Fairfax County Government Center, Room 4-5

Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Larry Butler	Jessica Fleming	Jeanette Stewart
Robert Jordan	Christopher Champagne	Sally Ormsby
Greg Prelewicz	Michael Rolband	Mark Trostle
Harry Glasgow	Mary Beth Coya	Russell Wanek
Robert McLaren		

Consultants:

Elizabeth Treadway
Doug Moseley
Curt Ostrodka

County Staff:

Jimmie Jenkins	Paul Shirey
Carl Bouchard	Scott St. Clair
Fred Rose	Krystal Kearns
Marlae Schnare	Vishnu Seri
Shahid Syed	Tanya Amrhein
Debra Bianchi	Michelle Brickner

Meeting Agenda

1. Welcome and Introductions
2. Review December 14, 2004 Meeting Minutes
3. Funding Strategies
4. Utility Policies – Credits
5. Program Recommendations – Cost of Service
6. Next Steps

Welcome and Introductions

Carl Bouchard, Director of the Stormwater Planning Division, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service.

Review December 14, 2004 Meeting Minutes

Mr. Moseley requested any clarification or amendments to the meeting minutes from December. The committee did note some questions regarding the principles that should be followed on how to fund needed stormwater program improvements. Ms. Treadway

noted that these would be revisited in tonight's meeting. No changes were made to the minutes. Ms. Treadway reviewed the meeting's agenda.

Funding Strategies

Ms. Treadway began with a review of the seven principles the Committee identified in the December meeting that should be used by the Team in making evaluating funding strategies and in making recommendations to the Board of Supervisors on the needed stormwater program improvements. The principles noted included:

- ◆ Fund the program using a methodology that links the demand for services to the amount paid by any particular property owner.
- ◆ Provide a mechanism that recognizes positive behaviors by the land owner to reduce impacts on flow and pollutant loading.
- ◆ Dedicate the funding to the objectives of the stormwater program where the monies cannot be redirected to other competing priorities.
- ◆ Utilize a funding strategy that encourages greener development.
- ◆ Make the funding mechanism an equitable strategy, bringing all properties into the funding base, not just those paying real estate and other general fund revenues.
- ◆ Apply the funding strategy uniformly across the County.
- ◆ Utilize bond debt to support the capital improvement program.

The committee reinforced the first principle noting that the amount paid should correlate to the demand that the property places on the County for service. Bullet six, dealing with application of the funding strategy uniformly across the County, focused discussion among the committee members on the variations in watershed conditions visible in Fairfax County and the potential need to address those watershed variations. The idea of a watershed-based fee system, where a watershed's fee could be implemented as the watershed plan is completed and the capital investments the plan recommends are known was discussed. Committee members and County staff noted that the use of a watershed-based fee system, in a community with 30 watersheds, may be politically challenging as well as administratively burdensome. The committee noted the value of keeping the fee system relatively simple. The committee also noted the need to express these concepts to the public as this initiative moves forward. It was noted that just as other public utilities allocate capital investments to all rate payers, the stormwater fee structure should follow the same policy. For example, water and sewer utilities do not charge on the basis of the amount of infrastructure investment required to deliver the service, regardless of how far a property may be located from the treatment plants. A property located next to the treatment plant (for drinking water or sewer) pays the same fee rate even though they only use a very small portion of the collection or distribution system.

Ms. Treadway then opened the floor for additional principles and concepts that the committee felt should help shape its recommendation to the Board of Supervisors. The committee noted the need to express the idea that the County must ensure appropriate staffing levels in order to facilitate program improvements. Ms. Treadway noted that year-to-year budget strategies will also drive the recommended staffing levels, and that outsourcing services is a valid strategy in any given year, depending on the nature of the program element.

Ms. Treadway also responded to committee inquiries regarding rate methodologies and potential differences in the residential rate. She discussed the use of detached, single family housing stock as the basis for the creation of the stormwater billing unit. The billing unit is then used to determine what individual properties will pay. She also noted the potential for different residential rates based on a tiered structure that could account for multiple residential categories. Residential tiering adds equity to the determined residential rate, but also requires much more initial data evaluation.

The Committee reviewed the two primary funding methods for stormwater service, the County General Fund and a potential stormwater utility fee, as applied to the principles for stormwater funding noted above. Both the General Fund and a utility enterprise fund can be used as a dedicated funding alternative. By law, enterprise funds must be used only for the services the enterprise fund has been established to provide. The Board of Supervisors can dedicate general fund resources for stormwater management as well. However, the Board can also reappropriate previously dedicated funds for other priorities at any time. Money can be borrowed from an enterprise fund, but it must be repaid. Ms. Treadway and County staff also discussed bonding capacity and the difference between revenue bonding and general obligation bonding.

County general obligation bonds are issued with the full faith and credit of the County behind them, typically getting favorable interest rates, but only after a vote of the public to issue the bonds. The County has a limit in the amount of general obligation bond debt it can incur at any given time. As such, when the County is preparing to request public support for a general obligation bond, competition occurs for getting a portion of the bond. Revenue bonds are issued with the backing of a specific revenue stream, such as a stormwater utility fee. While market conditions may require revenue bonds be issued with a higher interest rate, revenue bonds do not require a vote of the public prior to issuance. The Fairfax County Department of Public Works Wastewater Management program has utilized revenue bonds for projects in the past.

The Committee discussed other aspects of stormwater utilities. Ms. Treadway noted that a stormwater utility should be run just as any business would be, with a full accounting of all revenues and expenses. Utilities can retain fund balances for specific purposes, can meet GASB34 requirements, which include asset management and inventory, and must “pay their own way” with the disbursement of an indirect cost allocation back to the County general fund to cover use of other County services (such as human resources, County administration, County attorney services, etc.).

The committee noted that “green development” does not have a specific definition, and that there is no real distinction between utility funds and general funds in their respective abilities to account for more environmentally friendly impacts.

The committee considered the equity of the general fund and a stormwater utility in funding a stormwater management program. The discussion of equity led to a discussion of legally required exemptions for a stormwater utility in Virginia. State enabling legislation excludes several entities from paying the utility fee. First, Fairfax County, as the operator of the utility, is exempt from paying the fee. Ms. Treadway noted that this policy addresses the issue of equity to the tax payers because the payment would be drawn from the General Fund. Other government agencies that own and maintain stormwater management facilities are also exempt from the utility fee,

including state and federal facilities. Cemeteries are also exempt; however, funeral homes and churches must pay the fee. The enabling legislation does not allow for local interpretation of what “stormwater management facilities” are, and as such, other governmental entities that have some stormwater management facility that they maintain, regardless of whether it meets local design standards, must be exempted.

VDOT highways are exempted from the stormwater utility fee, but VDOT buildings are charged if they do not have on-site stormwater management. Ms. Treadway noted that exclusion of public roadways is common across the country. The County Attorney is currently researching the state code to determine if County-owned facilities, such as fire and police stations, and regional transportation services, such as airports and Metro stations, are exempt.

The Committee discussed whether or not the lack of a fee would reduce the incentive for County agencies to reduce imperviousness at future facilities. They noted that the Board of Supervisors could issue a directive for Low Impact Development practices to be utilized at future County-owned facilities.

In discussing uniformity of application across the County, it was noted that both the general fund and a utility are applied uniformly across the County but that only taxed properties are contributing in a general fund scenario. Both funding streams are also capable of supporting bond debt, with the caveats of each noted as discussed above.

Principle or Goal for Funding Option	General Fund	User Fees
1. Distribute cost of services on the basis of demand for those services.	No	Yes
2. Recognize positive behaviors by land owners when they reduce impacts of discharges on peak flow and pollutant loading.	No	Yes
3. Dedicate funding to the objectives of the stormwater program so that funds cannot be redirected to other competing priorities.	Limited	Yes
4. Encourage greener practices through the funding strategy.	Yes	Yes
5. Make the funding mechanism equitable across all property owners.	Limited to taxable properties.	Yes, within limits based on enabling legislation.
6. Apply the funding strategy uniformly across the County.	Yes	Yes
7. Utilize bond debt to support the capital improvement program.	Yes, General Obligation Bonds with vote of the public.	Yes, Revenue Bonds without a vote of the public and dedicated.

Utility Policies – Credits

The Committee discussed the use of credits in utility policy. Ms. Treadway noted that generally credit policy is established to recognize the value of a private investment to the overall County effort in managing stormwater. Credits are not automatically granted, nor are they granted in perpetuity. They must be applied for and the owner must provide

documentation that the service or function is being provided and/or maintained. Credits can be taken away if a facility is not properly maintained.

Ms. Treadway asked the Committee to consider potential activities that would warrant a credit in Fairfax County. She noted that structural facilities with water quality and quantity controls, that reduced peak flows or that exceed current standards are typically awarded credits. She noted that credit policies are locally-driven, and there is no state legislature that specifies credit type.

Residential Property Participation: The group discussed whether or not residential properties should be eligible for credits. For example, in Reston and Lake Barcroft, all of the homeowners currently pay fees to maintain their stormwater system. Ms. Treadway stated that most credits consider the County-wide value of the stormwater facility, and do not differentiate between residential and non-residential properties. Therefore, residential properties can be eligible if they provide a qualifying service.

Credit Limits: It was noted that ratepayers seldom receive 100% credit; different percentages of the fee are dedicated to different countywide issues, such as stream restoration and resource inventory. All properties should pay a base amount to account for these expenditures.

Public Education: The Committee discussed providing credits for public education efforts by private entities. It was agreed that public education is worthy of credits; however the focus should be on activities that have tangible (*concrete!*) results, such as quality and quantity benefits.

Open Space: The Committee discussed if undisturbed open space should be given a credit. If “imperviousness” is the basis for the fee, then open space is automatically given credit, since it is not part of the rate base and would not generate a fee. However, it was discussed whether the dedication of a conservation easement to ensure that the property would never be developed could be considered. Ms. Treadway indicated that it would entirely depend on whether the owner had a property, perhaps adjacent to the area dedicated, which was generating a fee so that the credit applied to another property. Credit policies are not set up to give money to non-rate payers.

Other Concepts: The Committee agreed that facilities that provide peak flow reductions, runoff velocity reductions, on-site detention, and that mimic pre-development hydrologic conditions should be credited.

The committee asked that more background material on credits be provided prior to the next meeting.

Program Recommendations – Cost of Service

Ms. Treadway referred to a draft six-year implementation plan to the Committee. She explained that the creation of the GIS imperviousness data will cost approximately \$1.7 million. The County spends approximately \$12 million per year on stormwater

management. \$9.5 million is allocated from the General Fund, with the remaining funds provided by Pro Rata Share and permit fees. The some of the program recommendations captured in the six-year implementation plan included:

- ◆ Development of a comprehensive inventory on the approximately 1,400 miles of pipe the County maintains;
- ◆ Increase the pace of watershed management plan development, with all plans completed by 2008, rather than 2010;
- ◆ Create a Countywide drainage easement inventory, which can prevent project delays.
- ◆ Initiation of a reinvestment program for the existing County-operated infrastructure.

Based on the need to develop the supporting data, Ms. Treadway shared with the committee that should the County choose to proceed with the development of a stormwater utility, the utility would not be billing until FY 2007 (June 2006). While the stormwater utility will fully fund itself once implemented, development of the utility will require resources from the General Fund. The utility could then reimburse the general fund after implementation.

The ongoing cost of operating the utility is approximately 3% per year for the cost of billing and administrative staff. The General Administration costs provided to the Committee include public education and mapping/GIS support for all areas of the program (which is why they are captured under the heading of General Administration). The first year of the implementation plan includes a public education and outreach campaign. It also includes a data evaluation phase to determine baseline conditions, including GIS imperviousness data creation. Ms. Treadway reiterated that the utility will be run like a business with standard accounting protocols. Six people can administer the utility. She noted that this is not an aggressive program, but is instead builds from year to year at a moderate pace and will meet the County's needs over time.

Overall, the Committee noted the draft cost of service model seemed reasonable considering the estimated \$350 - \$800 million capital improvement project backlog.

Mr. Jenkins stated that Anthony Griffin, the County Executive, will release his budget for FY 2005 in February. He stated that the project team and senior staff members presented a report about the stormwater utility fee to the County Budget Director and executive staff the previous week. Ultimately, the decision on whether or not to implement the utility will be made by the Board of Supervisors. Mr. Griffin is considering the dedication of one to two cents from the County real estate tax to fund the stormwater program in lieu of developing a utility fee. Mr. Jenkins reported that Mr. Griffin would be happy to speak to the Committee at their next meeting.

Committee members were encouraged to assist the County in getting the word out to their respective groups by inviting the County to a meeting to share the stormwater program plan. In addition, the Committee members were encouraged to participate in making presentations to their constituent groups along with a Fairfax County staff member. This would be a good public outreach and education opportunity. Mr. Bouchard noted that many civic groups are asking for presentations, and suggested

pairing Committee members and County Staff. He noted that the project team and senior staff will give the final utility report to the Board of Supervisors in late March.

The meeting adjourned at 9:15.

Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on February 8, 2005 at 7 P.M. in the Fairfax County Government Center, conference rooms 4 and 5.



Stormwater Needs Assessment Project

Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #6
February, 2005, 7 – 9 p.m.
Fairfax County Government Center, Room 4

Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Larry Butler	Jessica Fleming	Jeanette Stewart
Lewis Rauch	Robert McLaren	Sally Ormsby
Greg Prelewicz	Michael Rolband	Russell Wanek
Kimberly Davis	Harry Glasgow	

Consultants:

Elizabeth Treadway
Doug Moseley
Curt Ostrodka

County Staff:

Jimmie Jenkins	Paul Shirey
Carl Bouchard	Scott St. Clair
Fred Rose	Krystal Kearns
Marlae Schnare	Vishnu Seri
Meaghan Kiefer	Michelle Brickner

Meeting Agenda

1. Welcome and Introductions
2. Review January 11, 2005 Meeting Minutes
3. Committee Discussion with County Executive Anthony Griffin
4. Credits – Recommendations from the Committee
5. Finalization of Program Structure
6. DRAFT Committee Recommendations to the Board
7. Wrap-Up and Adjourn

Welcome and Introductions

Carl Bouchard, Director of the Stormwater Planning Division, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service. Each Committee and staff member introduced themselves.

Review January 11, 2005 Meeting Minutes

Mr. Moseley invited committee edits for the minutes from the previous committee meeting. He noted that the attendance roster will be updated to include all Committee members present in January. The Committee noted that the reference to the "Fairfax County Sewer Authority" should be changed to "DPWES Wastewater Management." They recommended that the #4 Principle for Funding should be amended to read, "Encourage greener *practices* through the funding strategy." Finally, it was noted that Ms. Treadway had referred to a draft six-year Cost of Service implementation plan, and did not distribute it to the Committee at the previous meeting.

Committee Discussion with County Executive Anthony Griffin

Mr. Jenkins introduced Anthony Griffin, Fairfax County Executive. Mr. Griffin announced that he will release his Fiscal Year 2006 budget to the Board of Supervisors on February 28, 2005. He noted that he believes that financing for stormwater management is a pressing issue that the County should address immediately and he would be recommending an increase in resources for this program. He thanked the Committee for their work over the past months and stated the importance of their efforts in providing guidance to the Board in their decisions regarding the program and funding for stormwater. The Committee discussed their concerns with various funding methodologies with the County Executive and expressed their appreciation to him for offering his insights and opportunity to discuss the issue with him. Their discussion involved the impacts of various funding options, the historical perspective on resources for the stormwater program and concerns regarding the challenges facing Fairfax County in the future.

Credits – Recommendations from the Committee

Ms. Treadway then facilitated a discussion on credit recommendations. She noted that the Committee's job consists of crafting recommendations as to what the County should consider for credit. She stated that the determination of credits would allow her to finalize the rate structure. She noted that the rate should not include different "classes" of payers. If Fairfax County feels the need to develop a program to assist the poor, elderly, or other at risk populations, such a relief program is feasible but must be developed outside the utility structure.

The credit structure must be easy for the public to understand. The Committee agreed and indicated that credits should be used to educate and change behaviors, and that the utility will be politically unfeasible without credits. The Committee agreed that there should be a cap, and that no payer should receive a 100% credit. The Committee agreed that credits should be given for peak flow reduction, ongoing maintenance, and volume reductions. It was pointed out that BMP facilities that are designed to meet a service standard can be given a water quality credit, though it is often very difficult and costly to measure water quality at the outfall. The Committee agreed that stream restoration projects should be given a credit. They also stated that public education should be given a credit because it helps the County meet the Education and Outreach Minimum Control Measures in its VPDES permit.

The Committee then reviewed the credit discussion paper and offered the following input regarding the recommendations offered by the consultant.

Recommendation: No special credit or exemption should be given on the basis of payer class. Should the County desire to address social issues, it should be done outside of the fee-structure and evaluated on other criteria or merits.

The Committee supports this recommendation.

Recommendation: Credits should be granted for all properties based on the technical merit of the facilities or services provided, regardless of ownership.

The Committee supports this recommendation.

Recommendation: Unless the County includes all properties in the rate base, credits are not applicable to agricultural or undeveloped property since they are not charged a user fee.

The Committee supports this recommendation.

Recommendation: It is recommended that the County allow homeowner associations be eligible for stormwater credits when the system component privately owned and managed serves as a regional stormwater management facility for the development. Implementation of the credit should be handled in a manner that is flexible and meets the needs of the property owners. A credit should be evaluated and created to support the LID initiatives of the County. The County should keep the credit program simple in concept.

The Committee asked for the term “regional facility” to be clarified and supports the recommendation.

Recommendation: It is recommended that state and Federal facilities be treated like any other property and charged a fee if the legal test is met as established under the State enabling authority. In all likelihood, a credit would not apply; however, if eligible for a credit, it should be offered as appropriate.

The Committee supports this recommendation.

Recommendation: The County Attorney will provide clarification of the ownership of properties for the County Schools and Park Authority. The County will need to review the government-owned parcels within the County to determine (1) if there is a stormwater system on site and (2) if the system is maintained. If these two conditions are not met, then the property is eligible for payment of the user fee and for credits.

AMEC will coordinate with the County Attorney to clarify this recommendation. The Committee understands the issue of exemptions identified in the enabling legislation.

Recommendation: It is recommended the utility not provide credits or exemptions for properties based on location.

The Committee supports this recommendation.

Recommendation: It is recommended that:

- ♦ *the utility grant a credit for the pollution control portion of the fee for all properties which maintain a current NPDES industrial stormwater permit and are in compliance;*
- ♦ *the utility grant a credit for the pollution control portion of the fee for all properties within the watershed or resource protection area and which have, either through structural controls or land use requirements, taken steps to reduce pollution from their sites in accordance with the watershed protection measures of the County;*
- ♦ *the utility grant a credit to approved detention and retention facilities which are constructed in such a way as to control flow from off-site and reduce its impacts (for quantity and quality controls); and*
- ♦ *the County, in establishing the credit policy, consider other BMPs that are non-structural such as development and implementation of a Stormwater Master Plan on a private development or subdivision (e.g. as in Reston). These BMPs should be established with standards set by the County to ensure consistency in the non-structural programs.*

The Committee requested that “or resource protection area” be deleted from the second bullet. They recommend that the third bullet should be clarified and moved to the statement on credits based on impacts.

Recommendation: It is recommended that impact based credits be provided for reduction in peak flow and pollution reduction. The value of the credit to the owner should be established as it correlates to the overall objectives of the stormwater program, as measured by the cost of services.

The Committee suggests that “volume” be added to the list of impact based credits.

Recommendation: Credit for maintenance of conveyance systems should be evaluated by the County to determine how to value this portion of the drainage system and the condition of the conveyance system held in private hands. This is a more difficult credit program element to create and may be useful as the County completes its system assessment program.

The Committee suggests that language related to conservation easements in forested areas be added to this recommendation.

The recommendations of the Committee will be incorporated in the discussion paper on Credits.

The Committee will hold its last meeting to finalize recommendations on level of service and to review the work of the past meetings to prepare a statement to the Board Environmental Committee meeting for their March 28th meeting.

The meeting adjourned at 9:20.

Next Meeting

The next meeting of the Fairfax County Stormwater Advisory Committee will be held on March 8, 2005 at 7 P.M. in the County's Herrity Building. The next meeting will offer the opportunity for the Committee to draft its recommendations to the Board of Supervisors.



Stormwater Needs Assessment Project

Fairfax County Stormwater Advisory Committee
Stormwater Needs Assessment Project
Meeting #7
March 8, 2005, 7 – 9 p.m.
Fairfax County Herrity Building
Draft Meeting Minutes

In Attendance:

Stormwater Advisory Committee:

Larry Butler	Jessica Fleming	Jeanette Stewart
Lewis Rauch	Robert McLaren	Sally Ormsby
Greg Prelewicz	Michael Rolband	Russell Wanek
Kimberly Davis	Harry Glasgow	Mary Beth Coya
Christopher Champagne	Mark Trostle	

Consultants:

Elizabeth Treadway
Doug Moseley
Curt Ostrodka

County Staff:

Jimmie Jenkins
Carl Bouchard
Fred Rose
Kate Bennett
Brian Clifford

Paul Shirey
Scott St. Clair
Krystal Kearns
Michelle Brickner
Steven Crawford

Meeting Agenda

1. Welcome and Introductions
2. Review February 8, 2005 Meeting Minutes
3. Final Discussion on Level of Service
4. Recommendations of the Committee
5. Wrap-Up and Adjourn

Welcome and Introductions

Carl Bouchard, Director of the Stormwater Planning Division, opened the meeting with a welcome message for the committee members and reiterated the County's thanks for their service and time. He stated that the goal of this meeting is to bring closure to the stormwater needs assessment project and to craft the recommendations of the Committee for the Board of Supervisors regarding the recommended level of program and the funding strategy to address the long-term efforts of the County.

Review February 8, 2005 Meeting Minutes

Several committee-suggested amendments to the minutes of February 8, 2005 were offered, based on the early distribution of meeting minutes. Text that has been changed or edited has been underlined, as shown below:

Meeting Minutes – February 8, 2005 - Page 3:

Recommendation: It is recommended that the County allow homeowner associations be eligible for stormwater credits when the system component privately owned and managed serves as a regional facility for the development. Implementation of the credit should be handled in a manner that is flexible and meets the needs of the property owners. A credit should be evaluated and created to support the LID initiatives of the County. The County should keep the credit program simple in concept.

The Committee had requested this change in the Credit Discussion Paper and it was not picked up in the meeting minutes.

Meeting Minutes – February 8, 2005: Page 3:

Recommendation: It is recommended that state and Federal facilities be treated like any other property and charged a fee if the legal test is met as established under the State enabling authority. In all likelihood, a credit would not apply; however, if eligible for a credit, it should be offered as appropriate.

The word “State” was added to clarify the source of the enabling authority for the County to establish a service fee for stormwater programs.

Meeting Minutes – February 8, 2005: Page 3:

Recommendation: It is recommended the utility not provide credit or exemptions for properties based on location.

The reference in the recommendation to watersheds or floodplains was not necessary and should be dropped, clarifying that no credit be awarded on the basis of property location in the County.

Meeting Minutes – February 8, 2005: Page 4: top of page

- *the utility grant a credit for the pollution control portion of the fee for all properties within the watershed or resource protection area and which have, either through structural controls or land use requirements, taken steps to reduce pollution from their sites in accordance with the watershed protection measures of the County;*

This language was recommended for clarification of understanding of the statement.

It was also noted that on the recommendation regarding “Class of Property”, for those properties that are undeveloped or agricultural in nature, the statement that includes “...this class of property...” will be changed to agricultural or undeveloped property on the second bulleted recommendation on page 3.

The Committee also discussed whether the minutes from February 8, 2005 should be more explicit regarding the details provided by the County Executive on his budget plan which was presented to the Board on February 28. Ms. Treadway explained that his conversation with the Committee was a preview of his budget statement to the Board

and would not be captured as an official record. The published County Executive budget statement for FY 2006 should be referred to for the record of his recommendations on stormwater. The February 8th meeting minutes will be amended to note that a preview was provided by him, prior to an official release.

Final Discussion on Level of Service

The AMEC team reviewed the Performance Objectives for Level of Service from the *Preliminary Rate Analysis* discussion paper with the Committee, summarizing the performance factors developed based on the recommendations of the Committee and County staff regarding the level of program necessary to address the goals and challenges for stormwater management.

The Committee discussed the value of floodplain mapping and delineation in Fairfax County. They noted that the County has more restrictive standards for floodplains than the Federal Emergency Management Agency (FEMA). If the County partners with FEMA and produces new maps, it is important that the updates include analysis on more than the FEMA delineated floodplains. This effort will assist property owners by improving the Community Rating System (CRS) score and thereby decreasing flood insurance rates for residents. The Committee noted that floodplain safety is a Board of Supervisors priority.

The County's current MS4 permit expires at the end of 2006 and will be renegotiated in the fall of 2006. The new MS4 permit may include Chesapeake Bay Agreement and Tributary Strategy pollutant reduction requirements. Mr. Rose, County staff, stated that each MS4 permit is negotiated individually with the locality and Fairfax will be required to address specific issues within its boundaries. Mr. Moseley, AMEC, noted that the final Tributary Strategy report states that as an intermediate term performance measure, MS4 programs, both Phase I and Phase II, will be examined by DCR to determine, what, if any, improvements will be needed to increase the emphasis on meeting specific watershed goals.

Experience in North Carolina was shared, where the State used MS4 permits to limit nutrients such as nitrogen, setting a 12% impervious cover threshold for new and redevelopment in multiple watersheds. If a locality does not meet the impervious cover conditions of the MS4 permit, they must institute more stringent control measures and if not in compliance, may be fined.

Review of Preliminary Rate Analysis: A discussion of the recommended rate based on the Level of Service established with guidance from the Committee led to a review of the impact of changing from a primarily tax-based General Fund to a service fee methodology. The chart presented demonstrated that a property with a high assessed tax value and a low imperviousness footprint pays more for stormwater services when they are funded through the GF than when the service fee is utilized because of the equity of allocation based on runoff contribution. Likewise, a very large horizontal development such as a shopping mall can anticipate that their burden for support of the stormwater program could increase under a service fee strategy. The Committee identified the shift as a clear indication of the equity of the service fee system, with those properties impacting the system more, as represented by the presence of imperviousness, paying a proportionately higher financial support to the program, than

those properties with equally high property value but a more compact development footprint.

The Committee noted that the tax-based General Fund does not provide any incentives for greener, low impact development techniques.

Pro Rata Share Program: The Committee discussed the use of Pro Rata Share (PRS) fees charged to developers. Developers must address stormwater and drainage impacts of development on-site, designing systems to perform at pre-development conditions and must pay for off-site improvements through imposed PRS fees, based on an implied impact of discharges as measured by the amount of imperviousness within the development. Several committee members noted that it is inequitable to charge PRS to developers while requiring that the discharge impacts be minimized to pre-development conditions. In addition, they noted that the user fee is designed to generate sufficient revenue to build the facilities that were identified to set up the revenue projection under Pro Rata program. The concern of various members of the Committee in framing the discussion was that developers pay twice for the same impact – once as they develop the site and once into the Pro Rata Share program. This discussion led to a general acknowledgement by the Committee, as a whole, that there is serious inequity in the Pro Rata program.

In conclusion of this discussion, it was noted that the County is nearly built out and PRS contributions to that fund will decrease and be minimal in comparison to the overall budget for stormwater. AMEC staff noted that the utility fee would have to account for a loss of the Pro Rata revenue once the on-hand fund balance was spent. Eliminating Pro Rata today will not change the projected rate for the five year period in the Rate Analysis.

Implementation of the User Fee System and General Administrative Costs: AMEC staff indicated that it will cost approximately \$2.7 million to implement. This figure includes the development of the GIS imperviousness data and the Master Account File, which is the major portion of the effort (\$1.9 million of the total). The stormwater fund would compensate the Department of Tax Administration \$100,000 per year, as recommended by AMEC, for the additional effort and labor they would need to undertake. The on-going operation of the user-fee system will cost approximately \$700,000 per year, with new IT and Billing positions being added to keep the MAF up to date. AMEC recommended the establishment of an accountant and management analyst position to support the enterprise audit and public accountability process. The utility setup has been proposed for FY 2006, and the cost of service analysis captured the impact under the Engineering and Design function. The overall approach of implementation as recommended by AMEC is to set up the enterprise fund immediately, in the FY 2006 budget process, and have the County Board of Supervisors adopt the rate schedule in the FY 2007 budget cycle, with the first billing to occur in June 2006 for FY 2007 revenue. This would also allow the Board to reduce the tax rate, if it chooses to do so, by approximately 2 cents, based on current earning capacity of a penny on the rate.

Mr. Jenkins noted that a penny off the County real estate tax rate today will provide approximately \$17 to \$20 million. However, in the future, two pennies may be required to fully fund stormwater needs. He stated that the County Executive's proposal will provide approximately \$32 million per year (current funding plus a one-cent dedication), and that DPWES will be challenged to allocate and utilize that much money given

current and anticipated staffing levels in FY 2006. He reiterated that regardless of the County Executive's Budget for FY 2006, the Committee must still make recommendations to the Board and present a need for increased stormwater spending and for recommendations on the funding strategy.

The Committee discussed using the tax revenue of FY-2006 to cover the setup costs of the service fee, having the service fee system ready for implementation in FY-2007.

The Committee raised the issue of coordination of this effort (Stormwater Needs Assessment) and the public input from the Watershed Planning studies. County staff noted that they have given presentations to various watershed planning citizen advisory committees to increase the level of knowledge about the proposed stormwater fee. The Committee indicated the importance of educating the citizen committees on the funding issues.

Recommendations of the Committee

The Committee had a lively discussion on their statement to the Board to be delivered on March 28th. They came to a general voice of consent on its statements to the Board of Supervisors. Unanimity in the committee's statements was not required, and the committee had an opportunity to craft its message as appropriate. Various Committee members reported that the individual organizations they represent for this project have taken a position on the use of fees to support the overall stormwater program and each identified the position to the Committee:

- The Fairfax County Chamber of Commerce supports stormwater funding from the General Fund only, and does not support a utility fee, indicating that they believe the stormwater program is a public service and should be paid for from the general revenues of the County.
- The Northern Virginia Building Industry Association supports the utility approach with the understanding that the County will rescind the Pro Rate Share program.
- The National Association of Industrial and Office Properties (NAIOP) supports the utility fee if Pro Rata Share program is eliminated and the County provides the necessary staffing to ensure that goals can be achieved.
- The Federation of Citizens Associations member polled his constituents in the Western Fairfax County Citizen Associations and with 19 out of 58 responding to date, nine respondents supporting the utility fee, and ten respondents favoring the General Fund.
- The Fairfax Water staff, as a technical resource to the Committee, has no opinion toward the source of the revenue, but supports maintaining a high level of service for stormwater programs.
- The Reston Homeowners Association supports the utility fee, provided that a credit policy is in place to reward communities who have invested in and contribute to stormwater management solution in their development or on their properties.
- The Environmental Quality Advisory Council has not voted to support the utility yet but would be taking a position at the March 9, 2005 meeting.

The Committee established the following recommendations for presentation to the Board:

The Committee has unanimous support for a long-term dedicated source of funding for the stormwater program.

The Committee embraces the County Executive's FY 2006 budget with a dedication of one-cent on the tax rate for stormwater in addition to the current level of funding.

The overwhelming majority of the Committee supports the implementation of the utility fee, effective in FY 2007, for the purpose of addressing the level of service outlined in the projected program. The majority believes that the user-fee approach addresses the following:

- Stability for continuation of projects needed to be addressed in the watershed plans.
- Effectiveness over the long term, meeting long-range goals.
- Equity in application.
- Incentive for effective stormwater mitigation practices through use of a credit system.
- Fairness to all landowners.
- Recognition of current efforts made by private land-owners in support of overall program objectives.
- Elimination of the Pro Rata program to provide fairness in the burden placed on the development community.
- Initiation of the user-fee system in FY 2006 using General Fund dedication of one cent on the tax rate to addition of staff and other resources.
- Reduction of the tax rate up to 2 cents in FY 2007.

Wrap up

Ms. Treadway stated that AMEC and County staff will submit a compendium of the Committee's work to the Board of Supervisors. This will include all meeting minutes, discussion papers, and a final statement of policy. An Executive Summary will be produced for both the Board and for the public.

On March 28, 2005, AMEC will present the stormwater needs assessment findings, including the funding analysis report, to the Board of Supervisor's Environmental Committee. Advisory Committee members, Mr. McLaren and Mr. Rolband, will present the recommendations from the Committee. All members are encouraged to be present that day. All member organizations should present individual statements in writing to the Board, as appropriate.

Ms. Treadway thanked the Committee for their time and service, acknowledging their commitment to Fairfax County. She stated her personal appreciation for the participation and lively discussion over the past seven months.

The meeting adjourned at 9:20 pm.